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Response dated March 3, 2009
Office Action dated December 4, 2008

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Remarks

Claims 2-10 and 12-27 remain pending.

Claim Rejections under 35 USC 112

The Examiner rejected claims 3, 8, 12, 13, and 21 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the limitation "previously established" in claims 3, 8, 12, 13, and 21 made on February 19, 2007, was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree and request reconsideration of the rejection having regard to the following remarks.

As submitted in the Response dated February 19, 2007, the amendments to claims 3, 8, 12, 13, and 21 are fully supported by the specification as originally filed. Specifically, support for the amendments can be found at least in Fig. 3 and at page 7, lines 14 - 27.

For the Examiner's convenience, page 7, lines 14-27 of the original specification recites (emphasis added):

> The connection status is typically provided to the user of mobile device 100 by means of a visual indication on display 150. The status of the connection is monitored by connection manager 156, which provides display 150 with a status indication, and is used to establish a connection on power up. <u>Connection manager 156 maintains the connection, once established, by re-establishing a connection, using the connection establishment methods of the present invention, when the connection is released</u>.

Applicants submit that the meaning of *re-establishing a connection*, which was once established, clearly implies, to a person skilled in the art, a previously established data connection. Thus, the limitation "previously established" in claims 3, 8, 12, 13, and 21 is described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Withdrawal of the rejections to claims 3, 8, 12, 13, and 21 under 35 USC 112, first paragraph, is respectfully requested.

Information Disclosure Statement

Applicants submit that the foreign patent document **CN100334894** is the corresponding Chinese patent of this application. The **CN100334894** document and the English translation of its abstract were submitted for the Examiner's reference. Applicants submit that details of prior art cited, if any, during the prosecution of the corresponding Chinese application were provided to the Examiner in a timely manner.

For the Examiner's convenience, a copy of the cover page of the corresponding Chinese patent **CN100334894** and a copy of the English translation of its abstract are submitted herewith as Appendix A. Clearly, **CN100334894** does not qualify as prior art, as it is the corresponding Chinese patent of this application.

Double Patenting Rejection

The Examiner provisionally rejected claims 2-6, 8-10, and 12-27 on the grounds of non-statutory obviousness-type double patenting over claims 1 to 14 of co-pending U.S. Patent Application No. 11/928848 (Zhao et al). The Examiner also provisionally rejected claim 7 on the grounds of non-statutory obviousness-type double patenting over claims 1 to 14 of co-pending U.S. Patent Application No. 11/928848 (Zhao et al) in view of U.S. Patent 4,827,507 (Marry et al). Applicants respectfully request that this objection be held in abeyance pending allowance of one of the applications.

Claim Rejections under 35 USC 103

The Examiner rejected claims 2-6, 9, 10, 12-16, 18 and 21-27 as being unpatentable over
U.S. Patent No. 6,249,681 (Virtanen) in view of U.S. Patent Publication No. 2002/0028674
(Slettengren et al). Applicants respectfully disagree for at least the following reasons.

The Examiner, at page 8 of the Office Action dated December 4, 2008, states that, "Virtanen
teaches a method of automatically re-establishing a data connection on a wireless data
network (see Title and Abstract), comprising: automatically transmitting a connection request if
the previously established data connection is determined to be lost (see column 1, lines 59-67,
column 4, lines 44-67, column 5, lines 1-15, and column 12, line 3 to column 13, line 8, see
"request"), and re-establishing the previous established data connection if the transmitted
connection request is accepted by the wireless data network (see column 1, lines 34-40, see
"an ongoing call…is broken while the call is in progress, the call must be re-established in
order for the call the be completed", and it reads on Applicant's "previously established")"
(emphasis in original).

The Examiner agrees, "Virtanen does not specifically disclose determining, at minimum fixed
time intervals determined by a service check timer, the status of a previously established data
connection" (see Office Action dated December 4, 2008, at page 8, emphasis added).

Applicants reiterate the arguments presented in the Responses dated April 3, 2008 and
August 26, 2008, regarding the method of Virtanen. Specifically, Applicants submit that
Virtanen is does not teach or suggest a method and a system for establishing and maintaining
an "always on" data connection to a wireless data network.

The passages cited by the Examiner are general procedures involved with the re-
establishment of a call. Specifically, column 1, line 9 to column 2, line 4 of Virtanen describe
that, "systems based on the GSM standard may support a mobile station triggered call re-
establishment procedure that uses a call re-establishment message that includes only the
subscriber identity of the mobile station and the mobile station's classmark." The cited
passage further recites the details associated with the re-establishment procedure according
to GSM standard.

Column 4, lines 21 to 67 of Virtanen describes the details of a call-release or inactivity timer at each of the mobile station and the base station/MSC that is "reset and started when a latest packet data is sent or received" (see Virtanen, column 4, lines 22-23). The call-release or inactivity timer is "set to run a predetermined period and, if no packet data is sent or received to reset the timer before the predetermined period expires, the transceiving device (mobile station or base station) in which the timer expires sends a <u>release order message</u> to the other device" to release the call (see Virtanen, column 4, lines 23-28, emphasis added). The cited passages further describe the contents of the release order message and how a call can be re-established using information in the release order message upon initiation of re-establishment of the call.

Contrary to the method and the mobile device as claimed in claims 12 and 21, the call-release or inactivity timer of Virtanen automatically <u>releases</u> an established packet data call due to inactivity and does <u>not</u> maintain an always-on connection as claimed in claims 12 and 21.

Column 5, lines 1 to 15 of Virtanen summarizes an embodiment disclosed therein for re-establishing a call using a re-establishment request message. Column 12, lines 24 to 58 of Virtanen further describe in detail the embodiment for re-establishing a call using re-establishment request message with reference to Figures 7A and 7B.

Nowhere does Virtanen teach the determination of the status of a previously established data connection at minimum fixed intervals set by a service check timer, as recited in claim 12. Nor does Virtanen teach a service check timer for setting a minimum fixed interval after which a previously established data connection is checked to determine if it has been lost, as recited in claim 21.

Thus, Virtanen simply teaches a method for re-establishing an interrupted packet data call while shortening the time and decreasing signaling required to re-establish the interrupted packet data call. Virtanen achieves this by storing the current service configuration information until the expiry of related timers in the mobile and base stations. Nothing in Virtanen teaches or suggests <u>establishing and maintaining</u> an "always-on" connection as claimed in claims 12 and 21.

Moreover, if "Virtanen does not specifically disclose determining, at minimum fixed time intervals determined by a service check timer, the status of a previously established data connection" (as concluded by the Examiner, see Office Action dated December 4, 2008, at page 8), then Virtanen <u>cannot</u> teach or suggest "automatically transmitting a connection request if the previously established data connection is determined to be lost", simply because Virtanen does <u>not</u> check the status of the previously established data connection at minimum fixed time intervals determined by a service check timer as claimed in claims 12 and 21.

The Examiner further stated, "Slettengren teaches determining, at minimum fixed time intervals determined by a service check time, the status of a previously established data connection (see [0065] and fig. 4)" (see Office Action dated December 4, 2008, at page 8).

Slettengren discloses a method for "instituting politeness zones relating to the use of communication devices" (see Slettengren at paragraph [0003]). According to Slettengren, "a politeness zone is an area set up in public or private places to restrict the usage of communication devices in a certain manner according to a set of predefined Politeness Zone (PZ) levels (see Slettengren at paragraph [0031]). Slettengren has nothing to do with a method and/or a system for <u>establishing and maintaining</u> an "always on" data connection to a wireless data network.

The specific passage cited by the Examiner, i.e., paragraph [0065] of Slettengren, does <u>not</u> teach or suggest "determining, at minimum fixed time intervals determined by a service check time, the status of a previously established data connection" as alleged by the Examiner. The cited passage describes a timer that is "set to run for the timer period passed to device 304 by PZT 302. If contact, i.e., the communication link, is re-established (step 410) before the timer has elapsed (step 412), then device 304 remains in politeness mode (step 414). If on the other hand, the timer has elapsed before contact is re-established, then device 304 returns to normal operation, i.e., politeness mode is disabled (step 416)" (see paragraph [0065] of Slettengren).

Clearly, the timer described by Slettengren is <u>not</u> the same as the service check timer as claimed in claims 12 and 21. The timer of Slettengren merely determines the time period for which a device is in a politeness mode and upon expiry of which the device can return to normal operation. The timer of Slettengren does <u>not</u> determine, "at minimum fixed time

intervals determined by a service check timer, the status of a previously established data connection," as claimed in claims 12 and 21.

Thus, Virtanen and Slettengren, either alone or in combination, do not teach or suggest all the features of claims 12 and 21 and their respective dependent claims 2 to 6, 9, 10, 13-16, 18 and 22 to 27. Applicants submit that the method and device as claimed in claims 12 and 21, respectively, are directed to <u>establishing and maintaining</u> an "always on" data connection to a wireless data network, which is inherently different from a method of instituting politeness zones relating to the use of communication devices. Accordingly, at least for the reasons provided above, Applicants respectfully request that the rejections under 35 U.S.C. §103(a) be withdrawn.

Other Rejections

The Examiner rejected claims 7 and 8 as being obvious in view of Virtanen in view of Slettengren and further in view of U.S. Patent No. 4, 827,507 (Marry); claim 17 as being obvious in view of Virtanen; claim 19 as being obvious in view of Virtanen and an Official Notice; and claim 20 as being obvious in view of Virtanen in view of Slettengren and further in view of U.S. Publication No. 2002/0082032A1 (Hunzinger).

Each of claims 7, 8, 17, 19, and 20 is dependent, directly or indirectly, from claim 12, and includes all the limitations of claim 12. Applicants reiterate the comments made above in respect of Virtanen and Slettengren, and submit that, since neither Virtanen nor Slettengren teach all the claimed limitations of independent claim 12, they cannot teach or reasonably suggest all the limitations of a narrower claim dependent from claim 12. Applicants further submit that none of Marry, the Official Notice or Hunzinger teach or suggest a service check timer that determines the minimum fixed time intervals at which an established data connection is checked, as claimed herein.

Therefore, Applicants submit that there is no combination of the cited references that can teach or suggest all the claimed limitations in claims 7, 8, 17, 19, or 20, and no showing of *prima facie* obviousness can be made. Withdrawal of the rejections under U.S.C. §103(a) is respectfully requested.

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It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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Encl.
1. Appendix A: Cover Page and English Abstract of CN100334894

MC/kw/alc